

MEMO ENDORSED



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

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July 1, 2008

The Honorable Denny Chin
United States District Judge
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street, Room 1020
New York, New York 10007-1581

Re: Tolliver v. DOCS, et al., 08 Civ. 4561 (DC)

Dear Judge Chin:

I am an Assistant Attorney General in the Office of Andrew M. Cuomo, Attorney General of the State of New York and currently represent defendant Dr. Bentivegna, who has received a copy of the Complaint and requested representation from my office.

Dr. Bentivegna's response is currently due July 7, 2008. It is respectfully requested that Dr. Bentivegna's time to respond the Complaint be extended until August 18, 2008, which should also provide sufficient time for the other defendants in this action to be served and request representation from this office and avoid piecemeal responses. We anticipate that all defendants will be able to respond globally on August 18.

I have not requested plaintiff's permission for this revision of the applicable deadline because he is currently incarcerated and it is likely that a response, if any, will be received after deadline expires. This is the first request for an extension in this matter. The request does not appear to impact any other previously scheduled deadlines.

We thank the Court for its consideration in this matter.

Respectfully submitted,

Approved.

J. Harben

Jeb Harben

SO ORDERED.

Assistant Attorney General

cc: Eric Tolliver, DIN 94-B-1563
Green Haven Correctional Facility
P.O. Box 4000
Stormville, New York 12582

[Signature]

WPS 7/2/08